

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 15-17 and 21-22 are currently pending in this application. Claims 21 and 22 have been added. The subject matter of claims 21 and 22 is relocated from claim 15. No new matter has been added.

Rejections under 35 U.S.C. §103

Claims 15-17 stand rejected as allegedly being obvious in view of "VM/CMS Handbook for Programmers, Users and Managers" (Fosdick) and the Examiner's Official Notice.

Claim 15 recites "disabling host task management on the original operating system." The Office Action takes the position that Fosdick allegedly teaches this feature at page 15 and figure 2-4. The cited portion of Fosdick runs from page 103 through 110 and includes figures 8-1 and 8-2. Regardless, Fosdick does not teach the claimed feature. As described on page 5, lines 12-19 of the specification as originally filed, "any type of task management available to the primary operating system will be disabled at 34." The Office Action takes the position that Fosdick's CP environment allegedly reads on the claimed primary operating system and that Fosdick's CMS environment allegedly reads on the claimed secondary operating system emulator. Fosdick is replete with examples of how a user of the CMS environment can manage tasks in the CP environment. Page 107 of Fosdick illustrates no less than three different ways to issue

commands to the CP environment from within the CMS environment.

Accordingly, Fosdick fails to teach claimed feature. Furthermore, since Fosdick provides a multitude of ways to manage CP tasks from within CMS, Fosdick emphatically teaches away from the claimed feature.

The Office Action acknowledges that Fosdick fails to teach the claimed feature of activating an environmental shutdown by disabling the emulated operating system in response to interactions between the original operating system and the emulated operating system, but takes Office Notice that such a feature was allegedly well known at the time of invention was made. Applicant respectfully disagrees and respectfully requests that the Examiner provide documentary evidence of this assertion. (MPEP 2143.03 C). Furthermore, applicant respectfully submits that Fosdick already enables the user to interact with the CP environment from within the CMS environment. Nowhere does Fosdick teach or suggest that such an interaction could result in shutdown of the CMS environment. Nor is it in any way obvious to the applicant why such a shutdown would be obvious nor what suggestion exists to modify Fosdick in this manner.

For the foregoing reasons, applicant respectfully submits that claims 15-17 are not obvious in view of Fosdick and the Examiner's assertion of Official Notice. Applicant respectfully requests that the Examiner withdraw the rejections of claims 15-17.

SUMMARY

Claims 15-17 and 21-22 are currently pending. Applicant respectfully submits that in view of the foregoing amendments and remarks, the pending claims are in condition for allowance.

If the Examiner determines that the prompt allowance of these claims can be expedited by a telephone conference, the Examiner is invited to contact Joe Sosinski at (408) 720-8300.

Please charge any additional fees under 37 CFR §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to our PTO deposit account number: 50-3781.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

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/Joseph W. Sosinski/
Joseph W. Sosinski
Attorney for Applicant
Registration No. 62,807

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040